

8



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,509	09/14/2001	Barry Omshehe	213306	8458
23460	7590	08/11/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,509

Applicant(s)

OMSHEHE ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

*Applicant has amended claims 1-3. Claims 4-20 have been added.
Claims 1-20 are pending.*

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Glassman et al* (USPN 6,453,305).

a. Per claim 1 and 17 (differ only by statutory class), *Glassman et al* teach the method for administering a session-based concurrent user licensing agreement on a manufacturing/process control information portal such that a single logon during a session

Art Unit: 2141

persists across multiple distinct resources to which access is provided via a plant information portal server, the method comprising the steps: receiving, by the plant information portal server, an access request for a resource for which a license is required (Abstract, col.2 lines 59-62); invoking, based upon a code within a sequence of commands associated with the requested resource, a license manager associated with restricted resources associated with the plant information portal server, the license manager performing, for the purpose of granting, if needed, one of potentially multiple available session-based concurrent licenses, a set of further steps including (col.2 lines 33-58, col.3 lines 3-10, col.4 lines 55-62, col.5 lines 17-28, col.6 lines 3-19 and 51-67): first confirming that an identified source associated with the request needs a concurrent license (col.4 lines 63-67, col.5 lines 34-47); second confirming that a concurrent license is available to assign to the identified source (col.2 lines 59-67, col.5 lines 34-47, col.5 line 66-col.6 line 6, col.6 lines 51-60); and adding the identified source to a list of session-based concurrent license users to which a session-based concurrent license is assigned (col.3 lines 3-7, col.5 lines 34-47, col.6 lines 3-42, col.7 lines 1-10).

b. **Per claim 2**, *Glassman et al* teach the method of claim 1 wherein the second confirming step is based upon a maximum number of allowed concurrently licensed sessions under an established concurrent license agreement maintained by the license manager (col.2 lines 53-58, col.5 lines 34-47, col.6 lines 3-11, col.7 lines 28-38).

c. **Per claim 3**, *Glassman et al* teach the method of claim 1 wherein the invoking step is performed in response to an attempt by a particular identified user-session to access portal resources via a web page provided by the portal server (col.3 lines 1-2, col.5 lines 47-55).

d. **Per claim 4**, *Glassman et al* teach the method of claim 1 wherein the first confirming step comprises determining that the identified source does not currently possess one of the session-based concurrent licenses (col.3 lines 3-22, col.5 line 66-col.6 line 64, col.7 lines 1-27).

e. **Claim 18** is substantially similar to claim 4 and is therefore rejected under the same basis.

f. **Per claim 5**, *Glassman et al* teach the method of claim 4 wherein the first confirming step is carried out by comparing the identified source of the request with the list of session-based concurrent license users (col.3 lines 3-21, col.5 line 20-col.6 line-60, col.7 lines 1-10).

g. **Per claim 6**, *Glassman et al* teach the method of claim 1 further comprising the steps of: allocating a session-based concurrent license to the identified source; and adjusting a concurrent license counter value in accordance with the assigning step (col.2 lines 53-57, col.5 line 34-col.6 line 11, col.7 lines 34-44).

h. **Per claim 7**, *Glassman et al* teach the method of claim 1 wherein an allocated session-based concurrent license grant, as a result of the adding step, persists across requests from the identified source spanning multiple distinct resources accessed via the plant information portal server (col.2 lines 53-57, col.5 line 34-col.6 line 11, col.7 lines 34-44).

i. **Per claim 8**, *Glassman et al* teach the method of claim 1 further comprising the license manager returning an indication of whether a session-based concurrent license has been granted to the identified source of the request (col.3 lines 3-10, col.6 lines 43-67).

j. **Claim 19** is substantially similar to claim 8 and is therefore rejected under the same basis.

k. **Per claim 9**, *Glassman et al* teach the method of claim 8 further comprising the steps of: receiving, by an entity that initiated a license request call to the license manager during the invoking step, the indication; and determining, based upon the received indication, whether to grant the access request (col.3 lines 3-10, col.5 lines 9-15, col.6 lines 3-64).

l. **Per claim 10**, *Glassman et al* teach the method of claim 1 wherein the sequence of commands include a conditional test for invoking the license manager (col.4 line 55-col.5 line 65, col.6 lines 3-64, col.7 lines 34-44).

m. **Per claim 11**, *Glassman et al* teach the method of claim 10 wherein the conditional test relates to an origin of the access request (col.3 lines 3-7, col.5 line 65-col.6 line 60).

Art Unit: 2141

n. **Per claim 12**, *Glassman et al* teach the method of claim 1 further comprising, maintaining access via the portal server to a set of resources, wherein the invoking step is implemented with regard to the set of resources on an individual resource basis (col.3 lines 3-21, col.6 lines 3-60, col.7 lines 34-44).

o. **Per claim 13**, *Glassman et al* teach the method of claim 1 further comprising persisting a previous session-based concurrent license grant when a requestor exists a resource associated with an initial grant of the session-based concurrent license (col.2 lines 33-45, col.3 lines 8-21, col.5 lines 29-56, col.6 line 61-col.7 line 33).

p. **Per claim 14**, *Glassman et al* teach the method of claim 1 wherein the code within a sequence of commands associated with the requested resource comprises a function call for invoking a service with which the license manager is associated (col.7 lines 34-44).

q. **Per claim 15**, *Glassman et al* teach the method of claim 1 further comprising maintaining a historical record of concurrent license usage information (col.2 lines 53-58, col.4 lines 16-62, col.5 line 34-col.6 line 20, col.7 lines 12-27).

r. **Claim 20** is substantially similar to claim 15 and is therefore rejected under the same basis.

s. **Per claim 18**, *Glassman et al* teach the computer-readable media of claim 17 wherein the first confirming step comprises determining that the identified source does not currently possess one of the session-based concurrent licenses (col.2 line 53-col.3 line 10, col.5 line 66-col.6 line 11, col.7 lines 33-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Glassman et al* (USPN 6,453,305) in view of *Applicant Admitted Prior Art (AAPA)*.

Per claim 3, *Glassman et al* teach the method of claim 3 as applied above. Yet, *AAPA* further explicitly teaches the method of claim 1 wherein the invoking step is performed in response to an attempt by a particular identified user-session to access portal resources via a web page provided by the portal server (page 2, lines 26-29 and page 3, lines 5-11 and 17-19).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system for controlling the number of concurrent copies of a program in a network based on the number of available licenses of *Glassman et al* by accessing portal resources via a web page because one type of portal server function is providing access to users through a web page where the user accesses the site using browser software.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Glassman et al* (USPN 6,453,305) in view of *Frison et al* (USPN 6,049,789).

Per claim 16, *Glassman et al* teach the method of claim 15, as applied above, yet fail to explicitly teach the method further comprising displaying the concurrent license usage information via a query result interface. However, *Frison et al* teach collection of license usage

Art Unit: 2141

data and reports for retrieval and display (col.1 lines 46-61, col.3 line 55-col.4 line 16, col.5 lines 1-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Glassman et al* and *Frison et al* in order to provide and display license usage data for retrieval and reporting purposes, useful to the maintenance of the license/licensee/licensor management system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Sasaki et al* (USPN 6,735,699), *Redding et al* (USPN 6,842,896) and *Mullor et al* (USPN 6,411,941).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2141

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER